



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,747	03/29/2001	Arnulf Simmon	108-102USANDO	6496
7590	06/09/2004		EXAMINER	
Jay P. Sbrollini, Esq. Thomas J. Perkowski, Esq., P.C. Soundview Plaza 1266 East Main Street Stamford, CT 06902			HARRELL, ROBERT B	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 06/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**BEST AVAILABLE COPY**

M

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/821,747	SIMMON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Robert B. Harrell	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 March 2001 et al.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**BEST AVAILABLE COPY**

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20020118&amp;20011114</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> .

Art Unit: 2142

1. Claims 2-20 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. Each figure must be individually mentioned in the textual portion of the specification and not grouped together (i.e., use --Fig. 3(a), 3(b), 3(c), and 3(d) are-- and not "Fig. 3(a)-3(d)".
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or

5. Claims 2-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Auer et al. (4,725,694).

6. Prior to addressing the grounds of the rejection, citation to figures and text within the reference serve only as an aid and are not exclusive in nature. Thus the whole of the reference is cited.

7. Per claim 2, Auer taught the invention as currently claimed including an apparatus (e.g., see Title and figure 8) for use in an information system comprising a computer (e.g., see figure 9) operable coupled to a database (e.g., see figure 9 (71)) storing information, the apparatus comprising:  
a) a portable wireless data terminal (e.g., see figure 8), operable coupled to the computer and database via a wireless communication channel (e.g., see

**BEST AVAILABLE COPY**

Art Unit: 2142

col. 2 (lines 64-68)), having local memory (e.g., see figure 8 (52) and thus all known computer elements including local memory per col. 3 (line 35)) storing information (i.e., see figure 6 ("NAME:" as an example)) loaded from the wireless communication channel and a graphical user interface (e.g., see figure 6) for interacting with a user to enter user-supplied information (e.g., see col. 1 (lines 10-35)), wherein the user-supplied information is communicated to the computer over the wireless communication channel for storage in the database (e.g., see col. 1 (line 39-et seq.)), the graphical user interface including:

- b) multiple virtual regions (i.e., the boxes in figure 6 (i.e., "BP Position" or "Continue")) displayed on a display screen (12 of figure 6), wherein each virtual region corresponds to an event identifier (e.g., see col. 1 (line 26 "select action" where action=event)). Also note col. 2 (line 11 "windows" known to be virtual display regions));
- c) a touch screen for sensing location of user contact (e.g., see Abstract); and,
- d) an event handler (eg., see figure 7) for identifying one of the virtual regions (i.e., "DETAIL" in figure 6 (very lower right)) that corresponds to the location of user contact, determining a specific event identifier corresponding to the identified virtual region, and processing a predetermined sequence for the specific event identifier (i.e., show details) (e.g., see col. 1 (lines 21-36) and col. 4 (lines 28-et seq.)).

8. Per claim 3, see above and figure 8 where the hand held device contained a computer which was known to be a computing device.

9. Per claims 4,5,11, and 12 Auer taught that his system supplemental other well known portable computers for data entry (e.g., see col. 1 (lines 10-35)) which were well known to implement bar-code readers "other input devices" and beeping/flashing/motion messaging per col. 1 (line 20) (Official Notice taken).

10. Per claims 6-10, see col. 5 (line 58), col. 6 (lines 15-22), and figure 9 (71) and figure 6 (top center of 12 "Vitals" and related vitals such as Bp 130/80, TEMP, RESP, exc...).

11. Per claim 13, see figure 4 for a virtual keypad.

12. Per claims 14-16 and 19, see col. 2 (line 11 "windows") which were known to have scroll bars that provided the same functions of "NEXT" (just above number 31) in figure 6 oblique right to "MENU" each one of multiple of icons.

13. Per claim 17 and 18, see col.1 (line 26 "select actions" and lines 28-31 (specifically "processing" and "movement" (transmit))).

14. Per claim 20, clearly text could be entered per figures 4 and 7, one of such was calling up a patient by name (i.e., "Macoll, Dorothy" of figure 6 (far left top)), and thus such searching was inherently required and anticipated by the taught system.

14. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

Art Unit: 2142

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142

**BEST AVAILABLE COPY**